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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,224	08/21/2000	Donald C. D. Chang	PD-200085	9954

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EXAMINER
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TORRES, MARCOS L

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/644,224

Applicant(s)

CHANG ET AL.

Examiner

Marcos L Torres

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-11, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 6 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2-05-2004 have been fully considered but they are not persuasive regarding claim 1.

Regarding applicant's arguments that Gross and Rabideau fails to disclose the scaling of the elements having adaptive interference rejection, Gross discloses the adjusting of the elements (see col. 5, lines 10-22; col. 15, line 34 – col. 16, line 14). Rabideau discloses the teaching of adaptive interference rejection (see col. 3, lines 6-10; col. 5, line 36 – col. 6, line 52). Therefore, the combination of both reference show the mentioned limitation. The stratospheric platform and ground station are thought by Gross as previously cited in the office action.

2. Applicant's arguments, see pages 8-9, filed 2/5/2004, with respect to claims 12-17 have been fully considered and are persuasive. The rejection of claims 12-17 has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2683

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Rabideau.

As to claims 1, Gross discloses a communications system (see col. 1, lines 8-9) comprising: stratospheric platform having a payload controller (see col. 1, lines 9-11; col. 4, lines 52-54) and a phased array antenna having a plurality of main array antenna elements for generating a plurality of communication beams (see col. 4, lines 49-52); a gateway station in communication with said stratospheric platform (see col. 5, lines 10-12), said gateway station scaling the plurality of elements to form a plurality of beams and auxiliary element output, said gateway station communicating a control signal to the stratospheric platform to communicate a scaling of elements to form the communication beams and the auxiliary element output (see col. 5, lines 10-22). Gross do not

Art Unit: 2683

specifically disclose elements having adaptive interference rejection. Rabideau discloses a control signal (see col. 5, lines 64-66) to the elements having adaptive interference rejection (see col. 3, lines 6-10; col. 5, line 36 – col. 6, line 52). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to have a better communication avoiding interference.

As to claim 9, Gross discloses a system wherein said ground station is coupled to a terrestrial network (see col. 5, lines 16-22).

As to claim 10, Gross discloses a system wherein said terrestrial network comprises the Internet (see col. 10, lines 13-22).

As to claim 11, Gross discloses a system wherein the terrestrial network comprises the public service telephone network (see col. 5, lines 39-44).

5. Claims 2-4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Rabideau as applied to claims 1, 5, 9-11 and 18 above, and further in view of Khalifa.

As to claims 2 and 3, Gross discloses everything claimed as explained above except for a communications system wherein the controller comprises a demultiplexer for receiving control signals. Khalifa discloses a communications system wherein the controller comprises a demultiplexer for receiving control signals (see col. 4, lines 51-57). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use these teachings for an enhanced management of the signals.

As to claim 4, Gross do not specifically disclose a system wherein the element control signals are coupled to an RF feed, the RF feed is coupled to elements of said phased array antenna. However, OFFICIAL NOTICE is taken that it is common and well-known technique to send control signal to an antenna. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this technique to the modified Gross and Yeh system for an enhanced signal transmission and reception.

Regarding claim 18 is the corresponding method claims of system claims 1 and 3. Therefore, claim 18 is rejected for the same reason shown above.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Rabideau as applied to claims 1 and 9-11 above, and further in view of Chang.

As to claims 7 and 8, Gross discloses everything claimed as explained above except for a system wherein said gateway station further comprises a code division multiplexer/demultiplexer. Chang discloses a system wherein said gateway station further comprises a code division multiplexer/demultiplexer (see col. 2, lines 37-46). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a multiplexer/demultiplexer for the simple purpose of enhanced signal management.

7. Claims 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Rabideau and further in view of Khalifa as applied in claims 2-4 and 18, and further in view of Mc Whirter.

Art Unit: 2683

As to claim 5, Gross and Rabideau disclose everything claimed as explained above except for the method of estimating interference on a first beam from a second beam. Mc Whirter discloses for the method of estimating interference on a first beam from a second beam (see col. 4, lines 44-65). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for reducing interference and enhancing the quality.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Rabideau as applied to claims 1 and 9-11 above, and further in view of Mc Whirter.

As to claim 5, Gross and Rabideau disclose everything claimed as explained above except for the system wherein the gateway station comprises a beam generator for generating beam signals. Mc Whirter discloses the system wherein the gateway station comprises a beam generator for generating beam signals (see col. 4, lines 56-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for reduce interference and enhance transmission and reception quality.

***Allowable Subject Matter***

9. Claims 6 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 12-17 are allowed.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be mailed to:

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

(703) 703-872-9306

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:



Application/Control Number: 09/644,224  
Art Unit: 2683

Page 8

Crystal Park II  
2121 Crystal Drive  
Arlington, VA  
Sixth Floor (Receptionist)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres  
Examiner  
Art Unit 2683

Mlt

  
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